

# S168047

Case No. \_\_\_\_\_  
IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Karen L. Strauss, Ruth Borenstein, Brad Jacklin, Dustin Hergert, Eileen Ma,  
Suyapa Portillo, Gerardo Marin, Jay Thomas, Sierra North, Celia Carter,  
Desmund Wu, James Tolen and Equality California,

Petitioners,

v.

Mark D. Horton, in his official capacity as State Registrar of Vital Statistics of the State  
of California and Director of the California Department of Public Health; Linette Scott, in  
her official capacity as Deputy Director of Health Information & Strategic Planning for  
the California Department of Public Health; and Edmund G. Brown, Jr., in his official  
capacity as Attorney General for the State of California,

Respondents;

SUPREME COURT  
FILED

NOV -5 2008

PETITIONERS' MOTION FOR JUDICIAL NOTICE IN  
SUPPORT OF PETITION FOR WRIT OF MANDATE; Frederick K. Onizich Clerk  
DECLARATION OF LIKA C. MIYAKE; PROPOSED ORDER

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TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Petitioners Karen L. Strauss, Ruth Borenstein, Brad Jacklin, Dustin Hergert, Eileen Ma, Suyapa Portillo, Gerardo Marin, Jay Thomas, Sierra North, Celia Carter, Desmond Wu, James Tolen and Equality California (collectively, “Petitioners”) hereby move the Supreme Court to take judicial notice of ballot materials pertaining to Proposition 8.

This motion is made on the grounds that (1) Evidence Code Sections 452(c) and 452(h) authorize the Court to take judicial notice of official acts of California’s executive departments, including official publications of those departments; and (2) these materials are relevant to the issues in this Petition. This motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, and such other matters as may properly come before the Court.

Dated: Nov. 5, 2008      Respectfully submitted,

SHANNON P. MINTER  
MELANIE ROWEN  
CATHERINE SAKIMURA  
ILONA M. TURNER  
SHIN-MING WONG  
CHRISTOPHER F. STOLL  
National Center for Lesbian Rights

GREGORY D. PHILLIPS  
JAY M. FUJITANI  
DAVID C. DINIELLI

MICHELLE FRIEDLAND  
LIKA C. MIYAKE  
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JENNIFER C. PIZER  
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Lambda Legal Defense and  
Education Fund, Inc.

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MARK ROSENBAUM  
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By:   
LIKA C. MIYAKE

*Attorneys for Petitioners Karen L. Strauss,  
Ruth Borenstein, Brad Jacklin, Dustin  
Hergert, Eileen Ma, Suyapa Portillo,  
Gerardo Marin, Jay Thomas, Sierra North,  
Celia Carter, Desmond Wu, James Tolen  
and Equality California*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Petitioners Karen L. Strauss, Ruth Borenstein, Brad Jacklin, Dustin Hergert, Eileen Ma, Suyapa Portillo, Gerardo Marin, Jay Thomas, Sierra North, Celia Carter, Desmond Wu, James Tolen and Equality California (collectively, “Petitioners”) hereby request that the Supreme Court take judicial notice of the following materials pursuant to Evidence Code Sections 452(c) and 452(h):

Ballot materials pertaining to Proposition 8, issued by the Secretary of State (attached to Declaration of Lika C. Miyake as Exhibit A)

Evidence Code Sections 452(c) and 452(h) permit the Court to take notice of “Official acts of the legislative, executive, and judicial departments . . . of any state of the United States” and “Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” The ballot materials pertaining to Proposition 8 plainly fall within both of these Evidence Code sections. Judicial notice of materials subject to Evidence Code Section 452 is conditionally mandatory. (Cal. Evid. Code § 453.)

The ballot materials are official publications issued by the Secretary of State. These materials, which include the ballot initiative summary, analysis by the legislative analyst, arguments for and against the measure, the text of the proposed amendment, and a quick guide to the ballot

initiative measures, are regularly the subject of judicial notice. (See *People v. Canty* (2004) 32 Cal.4th 1266, 1281, fn. 4 [noticing ballot materials pertaining to Proposition 36 of the November 2000 general election]; see also *In re Varnell* (2003) 30 Cal.4th 1132, 1144, fn. 7; *People v. Superior Court (Turner)* (2002) 97 Cal.App.4th 1222, 1230, fn. 4.) The ballot materials are relevant because they reflect the change to the Constitution that Proposition 8 would effect and are materials that were available to and likely considered by voters prior to the election.

For the foregoing reasons, Petitioners respectfully request that this Court take judicial notice of the documents submitted with this Motion as an exhibit to the accompanying Declaration of Lika C. Miyake.

Dated: Nov. 5, 2008      Respectfully submitted,

SHANNON P. MINTER  
MELANIE ROWEN  
CATHERINE SAKIMURA  
ILONA M. TURNER  
SHIN-MING WONG  
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By:   
LIKA C. MIYAKE

*Attorneys for Petitioners Karen L. Strauss,  
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Hergert, Eileen Ma, Suyapa Portillo,  
Gerardo Marin, Jay Thomas, Sierra North,  
Celia Carter, Desmond Wu, James Tolen  
and Equality California*



## DECLARATION OF LIKA C. MIYAKE

I, LIKA C. MIYAKE, declare as follows:

1. I am an attorney with the law firm of Munger, Tolles & Olson, LLP, counsel of record for the Petitioners in the above-captioned matter. I have personal knowledge of the matters set forth herein, and if called as a witness could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of the ballot materials pertaining to Proposition 8, as published on the website of the Secretary of State for the State of California. These materials are available at and were printed from the following urls:

<http://www.voterguide.sos.ca.gov/title-sum/pdf/prop8-title-summary.pdf>

(Official Title and Summary for Proposition 8),

<http://www.voterguide.sos.ca.gov/analysis/pdf/prop8-analysis.pdf> (Analysis by the Legislative Analyst for Proposition 8),

<http://www.voterguide.sos.ca.gov/argu-rebut/pdf/prop8-a-and-r.pdf>

(Argument In Favor Of Proposition 8; Rebuttal to Argument In Favor of

Proposition 8), [http://www.voterguide.sos.ca.gov/text-proposed-laws/text-](http://www.voterguide.sos.ca.gov/text-proposed-laws/text-of-proposed-laws.pdf#prop8)

[of-proposed-laws.pdf#prop8](http://www.voterguide.sos.ca.gov/text-proposed-laws/text-of-proposed-laws.pdf#prop8) (page 128 of the Text of Proposed Laws), and

//

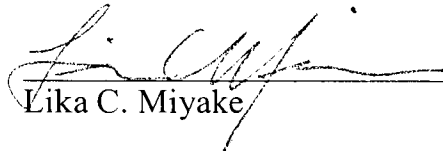
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<http://www.voterguide.sos.ca.gov/pdf-guide/quick-reference-guide-pg6-11.pdf> (Quick-Reference Guide).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 4th day of November 2008, at San Francisco,  
California.

  
Lika C. Miyake

## **[PROPOSED] ORDER**

Good cause appearing therefor,

IT IS HEREBY ORDERED that the Supreme Court will take judicial notice of the following documents: (1) ballot materials pertaining to Proposition 8, as published on the website of the Secretary of State for the State of California, available at the following urls:  
<http://www.voterguide.sos.ca.gov/title-sum/pdf/prop8-title-summary.pdf>  
(Official Title and Summary for Proposition 8),  
<http://www.voterguide.sos.ca.gov/analysis/pdf/prop8-analysis.pdf> (Analysis by the Legislative Analyst for Proposition 8),  
<http://www.voterguide.sos.ca.gov/argu-rebut/pdf/prop8-a-and-r.pdf>  
(Argument In Favor Of Proposition 8; Rebuttal to Argument In Favor of Proposition 8), <http://www.voterguide.sos.ca.gov/text-proposed-laws/text-of-proposed-laws.pdf#prop8> (page 128 of the Text of Proposed Laws), and <http://www.voterguide.sos.ca.gov/pdf-guide/quick-reference-guide-pg6-11.pdf> (Quick-Reference Guide).

DATED: \_\_\_\_\_, 2008

\_\_\_\_\_  
Justice, Supreme Court

**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

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OFFICIAL TITLE AND SUMMARYPREPARED BY THE ATTORNEY GENERAL

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**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Changes the California Constitution to eliminate the right of same-sex couples to marry in California.
- Provides that only marriage between a man and a woman is valid or recognized in California.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Over the next few years, potential revenue loss, mainly from sales taxes, totaling in the several tens of millions of dollars, to state and local governments.
  - In the long run, likely little fiscal impact on state and local governments.
-

## ANALYSIS BY THE LEGISLATIVE ANALYST

### BACKGROUND

In March 2000, California voters passed Proposition 22 to specify in state law that only marriage between a man and a woman is valid or recognized in California. In May 2008, the California Supreme Court ruled that the statute enacted by Proposition 22 and other statutes that limit marriage to a relationship between a man and a woman violated the equal protection clause of the California Constitution. It also held that individuals of the same sex have the right to marry under the California Constitution. As a result of the ruling, marriage between individuals of the same sex is currently valid or recognized in the state.

### PROPOSAL

This measure amends the California Constitution to specify that only marriage between a man and a woman is valid or recognized in California. As a result, notwithstanding the California Supreme Court ruling of May 2008, marriage would be limited to individuals of the opposite sex, and individuals of the same sex would not have the right to marry in California.

### FISCAL EFFECTS

Because marriage between individuals of the same sex is currently valid in California, there would likely be an increase in spending on weddings by same-sex couples in California over the next few years. This would result in increased revenue, primarily sales tax revenue, to state and local governments.

By specifying that marriage between individuals of the same sex is not valid or recognized, this measure could result in revenue loss, mainly from sales taxes, to state and local governments. Over the next few years, this loss could potentially total in the several tens of millions of dollars. Over the long run, this measure would likely have little fiscal impact on state and local governments.

★ ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Proposition 8 is simple and straightforward. It contains the same 14 words that were previously approved in 2000 by over 61% of California voters: "Only marriage between a man and a woman is valid or recognized in California."

Because four activist judges in San Francisco wrongly overturned the people's vote, we need to pass this measure as a constitutional amendment to RESTORE THE DEFINITION OF MARRIAGE as a man and a woman.

Proposition 8 is about preserving marriage; *it's not an attack on the gay lifestyle*. Proposition 8 doesn't take away any rights or benefits of gay or lesbian domestic partnerships. Under California law, "domestic partners shall have the same rights, protections, and benefits" as married spouses. (Family Code § 297.5.) There are NO exceptions. Proposition 8 WILL NOT change this.

YES on Proposition 8 does three simple things:

*It restores the definition of marriage* to what the vast majority of California voters already approved and human history has understood marriage to be.

*It overturns the outrageous decision of four activist Supreme Court judges* who ignored the will of the people.

*It protects our children* from being taught in public schools that "same-sex marriage" is the same as traditional marriage.

Proposition 8 protects marriage as an essential institution of society. While death, divorce, or other circumstances may prevent the ideal, the best situation for a child is to be raised by a married mother and father.

The narrow decision of the California Supreme Court isn't just about "live and let live." State law may require teachers to instruct children as young as kindergarteners about marriage. (Education Code § 51890.) If the gay marriage ruling is not overturned, **TEACHERS COULD BE REQUIRED** to teach young children there is *no difference* between gay marriage and traditional marriage.

We should not accept a court decision that may result in public schools teaching our kids that gay marriage is okay. That is an issue for parents to discuss with their children according to their own values and beliefs. *It shouldn't be forced on us against our will.*

Some will try to tell you that Proposition 8 takes away legal rights of gay domestic partnerships. That is false. Proposition 8 DOES NOT take away any of those rights and does not interfere with gays living the lifestyle they choose.

However, while gays have the right to their private lives, *they do not have the right to redefine marriage* for everyone else.

**CALIFORNIANS HAVE NEVER VOTED FOR SAME-SEX MARRIAGE.** If gay activists want to legalize gay marriage, they should put it on the ballot. Instead, they have gone behind the backs of voters and convinced four activist judges in San Francisco to redefine marriage for the rest of society. That is the wrong approach.

Voting YES on Proposition 8 RESTORES the definition of marriage that was approved by over 61% of voters. Voting YES overturns the decision of four activist judges. Voting YES *protects our children*.

Please vote YES on Proposition 8 to RESTORE the meaning of marriage.

**RON PRENTICE**, President

California Family Council

**ROSEMARIE "ROSIE" AVILA**, Governing Board Member

Santa Ana Unified School District

**BISHOP GEORGE MCKINNEY**, Director

Coalition of African American Pastors

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Don't be tricked by scare tactics.

- **PROP. 8 DOESN'T HAVE ANYTHING TO DO WITH SCHOOLS**

There's NOT ONE WORD IN 8 ABOUT EDUCATION. In fact, local school districts and parents—not the state—develop health education programs for their schools.

**NO CHILD CAN BE FORCED, AGAINST THE WILL OF THEIR PARENTS, TO BE TAUGHT ANYTHING** about health and family issues. **CALIFORNIA LAW PROHIBITS IT.**

**AND NOTHING IN STATE LAW REQUIRES THE MENTION OF MARRIAGE IN KINDERGARTEN!**

It's a smokescreen.

- **DOMESTIC PARTNERSHIPS and MARRIAGE AREN'T THE SAME.**

**CALIFORNIA STATUTES CLEARLY IDENTIFY NINE REAL DIFFERENCES BETWEEN MARRIAGE AND DOMESTIC PARTNERSHIPS.** Only marriage provides the security that spouses provide one another—it's why people get married in the first place!

Think about it. Married couples depend on spouses when they're sick, hurt, or aging. They accompany them into ambulances or hospital rooms, and help make life-and-death decisions, with no questions asked. **ONLY MARRIAGE ENDS**

**THE CONFUSION AND GUARANTEES THE CERTAINTY COUPLES CAN COUNT ON IN TIMES OF GREATEST NEED.**

Regardless of how you feel about this issue, we should guarantee the same fundamental freedoms to every Californian.

- **PROP. 8 TAKES AWAY THE RIGHTS OF GAY AND LESBIAN COUPLES AND TREATS THEM DIFFERENTLY UNDER THE LAW.**

Equality under the law is one of the basic foundations of our society.

Prop. 8 means one class of citizens can enjoy the dignity and responsibility of marriage, and another cannot. That's unfair.

**PROTECT FUNDAMENTAL FREEDOMS. SAY NO TO PROP. 8.**

[www.NoonProp8.com](http://www.NoonProp8.com)

**ELLYNE BELL**, School Board Member

Sacramento City Schools

**RACHAEL SALCIDO**, Associate Professor of Law

McGeorge School of Law

**DELAINE EASTIN**

Former California State Superintendent of Public Instruction

★ **ARGUMENT AGAINST PROPOSITION 8** ★

OUR CALIFORNIA CONSTITUTION—the law of our land—SHOULD GUARANTEE THE SAME FREEDOMS AND RIGHTS TO EVERYONE—NO ONE group SHOULD be singled out to BE TREATED DIFFERENTLY.

In fact, our nation was founded on the principle that all people should be treated equally. EQUAL PROTECTION UNDER THE LAW IS THE FOUNDATION OF AMERICAN SOCIETY.

That's what this election is about—equality, freedom, and fairness, for all.

Marriage is the institution that conveys dignity and respect to the lifetime commitment of any couple. PROPOSITION 8 WOULD DENY LESBIAN AND GAY COUPLES that same DIGNITY AND RESPECT.

That's why Proposition 8 is wrong for California.

Regardless of how you feel about this issue, the freedom to marry is fundamental to our society, just like the freedoms of religion and speech.

PROPOSITION 8 MANDATES ONE SET OF RULES FOR GAY AND LESBIAN COUPLES AND ANOTHER SET FOR EVERYONE ELSE. That's just not fair. OUR LAWS SHOULD TREAT EVERYONE EQUALLY.

In fact, the government has no business telling people who can and cannot get married. Just like government has no business telling us what to read, watch on TV, or do in our private lives. We don't need Prop. 8; WE DON'T NEED MORE GOVERNMENT IN OUR LIVES.

REGARDLESS OF HOW ANYONE FEELS ABOUT MARRIAGE FOR GAY AND LESBIAN COUPLES, PEOPLE SHOULD NOT BE SINGLED OUT FOR UNFAIR TREATMENT UNDER THE LAWS OF OUR STATE.

Those committed and loving couples who want to accept the responsibility that comes with marriage should be treated like everyone else.

DOMESTIC PARTNERSHIPS ARE NOT MARRIAGE.

When you're married and your spouse is sick or hurt, there is no confusion: you get into the ambulance or hospital room with no questions asked. IN EVERYDAY LIFE, AND ESPECIALLY IN EMERGENCY SITUATIONS, DOMESTIC PARTNERSHIPS ARE SIMPLY NOT ENOUGH. Only marriage provides the certainty and the security that people know they can count on in their times of greatest need.

EQUALITY UNDER THE LAW IS A FUNDAMENTAL CONSTITUTIONAL GUARANTEE. Prop. 8 separates one group of Californians from another and excludes them from enjoying the same rights as other loving couples.

Forty-six years ago I married my college sweetheart, Julia. We raised three children—two boys and one girl. The boys are married, with children of their own. Our daughter, Liz, a lesbian, can now also be married—if she so chooses.

All we have ever wanted for our daughter is that she be treated with the same dignity and respect as her brothers—with the same freedoms and responsibilities as every other Californian.

My wife and I never treated our children differently, we never loved them any differently, and now the law doesn't treat them differently, either.

Each of our children now has the same rights as the others, to choose the person to love, commit to, and to marry.

Don't take away the equality, freedom, and fairness that everyone in California—straight, gay, or lesbian—deserves.

Please join us in voting NO on Prop. 8.

**SAMUEL THORON**, Former President  
Parents, Families and Friends of Lesbians and Gays  
**JULIA MILLER THORON**, Parent

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 8** ★

Proposition 8 is about traditional marriage; it is not an attack on gay relationships. Under California law gay and lesbian domestic partnerships are treated equally; they already have the same rights as married couples. Proposition 8 does not change that.

What Proposition 8 does is restore the meaning of marriage to what human history has understood it to be and over 61% of California voters approved just a few years ago.

Your YES vote ensures that the will of the people is respected. It overturns the flawed legal reasoning of four judges in San Francisco who wrongly disregarded the people's vote, and ensures that gay marriage can be legalized only through a vote of the people.

Your YES vote ensures that parents can teach their children about marriage according to their own values and beliefs without conflicting messages being forced on young children in public schools that gay marriage is okay.

Your YES vote on Proposition 8 means that only marriage between a man and a woman will be valid or recognized in California, regardless of when or where performed. But Prop. 8 will NOT take away any other rights or benefits of gay couples.

Gays and lesbians have the right to live the lifestyle they choose, but they do not have the right to redefine marriage for everyone else. Proposition 8 respects the rights of gays while still reaffirming traditional marriage.

Please vote YES on Proposition 8 to RESTORE the definition of marriage that the voters already approved.

**DR. JANE ANDERSON, M.D.**, Fellow  
American College of Pediatricians  
**ROBERT BOLINGBROKE**, Council Commissioner  
San Diego-Imperial Council, Boy Scouts of America  
**JERALEE SMITH**, Director of Education/California  
Parents and Friends of Ex-Gays and Gays (PFOX)

consistent with Section 25740.1, the Public Utilities Commission shall encourage and give the highest priority to allocations for the construction of, or payment to supplement the construction of, any new or modified electric transmission facilities necessary to facilitate the state achieving its renewables portfolio standard targets.

(c) All projects receiving funding, in whole or in part, pursuant to this section shall be considered public works projects subject to the provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, and the Department of Industrial Relations shall have the same authority and responsibility to enforce those provisions as it has under the Labor Code.

SEC. 28. Section 25745 is added to the Public Resources Code, to read:

25745. The Energy Commission shall use its best efforts to attract and encourage investment in solar and clean energy resources, facilities, research and development from companies based in the United States to fulfill the purposes of this chapter.

SEC. 29. Section 25751.5 is added to the Public Resources Code, to read:

25751.5. (a) The Solar and Clean Energy Transmission Account is hereby established within the Renewable Resources Trust Fund.

(b) Beginning January 1, 2009, the total annual adjustments adopted pursuant to subdivision (d) of Section 399.8 of the Public Utilities Code shall be allocated to the Solar and Clean Energy Transmission Account.

(c) Funds in the Solar and Clean Energy Transmission Account shall be used, in whole or in part, for the following purposes:

(1) The purchase of property or right-of-way pursuant to the commission's authority under Chapter 8.9 (commencing with Section 25790).

(2) The construction of, or payment to supplement the construction of, any new or modified electric transmission facilities necessary to facilitate the state achieving its renewables portfolio standard targets.

(d) Title to any property or project paid for in whole pursuant to this section shall vest with the commission. Title to any property or project paid for in part pursuant to this section shall vest with the commission in a part proportionate to the commission's share of the overall cost of the property or project.

(e) Funds deposited in the Solar and Clean Energy Transmission Account shall be used to supplement, and not to supplant, existing state funding for the purposes authorized by subdivision (c).

(f) All projects receiving funding, in whole or in part, pursuant to this section shall be considered public works projects subject to the provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, and the Department of Industrial Relations shall have the same authority and responsibility to enforce those provisions as it has under the Labor Code.

SEC. 30. Chapter 8.9 (commencing with Section 25790) is added to Division 15 of the Public Resources Code, to read:

25790. The Energy Commission may, for the purposes of this chapter, purchase and subsequently sell, lease to another party for a period not to exceed 99 years, exchange, subdivide, transfer, assign, pledge, encumber, or otherwise dispose of any real or personal property or any interest in property. Any such lease or sale shall be conditioned on the development and use of the property for the generation and/or transmission of renewable energy.

25791. Any lease or sale made pursuant to this chapter may be made without public bidding but only after a public hearing.

SEC. 31. Severability

The provisions of this act are severable. If any provision of this act, or part thereof, is for any reason held to be invalid under state or federal law, the remaining provisions shall not be affected, but shall remain in full force and effect.

SEC. 32. Amendment

The provisions of this act may be amended to carry out its purpose and intent by statutes approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

SEC. 33. Conflicting Measures

(a) This measure is intended to be comprehensive. It is the intent of the people that in the event that this measure and another initiative measure relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures are deemed to be in conflict with this measure. In the event this measure shall receive the greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-

executing and given full force of law.

SEC. 34. Legal Challenge

Any challenge to the validity of this act must be filed within six months of the effective date of this act.

## PROPOSITION 8

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure expressly amends the California Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

SECTION 1. Title

This measure shall be known and may be cited as the "California Marriage Protection Act."

SECTION 2. Section 7.5 is added to Article I of the California Constitution, to read:

*Sec. 7.5. Only marriage between a man and a woman is valid or recognized in California.*

## PROPOSITION 9

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends a section of the California Constitution and amends and adds sections to the Penal Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

#### VICTIMS' BILL OF RIGHTS ACT OF 2008: MARSY'S LAW

SECTION 1. TITLE

This act shall be known, and may be cited as, the "Victims' Bill of Rights Act of 2008: Marsy's Law."

SECTION 2. FINDINGS AND DECLARATIONS

The People of the State of California hereby find and declare all of the following:

1. Crime victims are entitled to justice and due process. Their rights include, but are not limited to, the right to notice and to be heard during critical stages of the justice system; the right to receive restitution from the criminal wrongdoer; the right to be reasonably safe throughout the justice process; the right to expect the government to properly fund the criminal justice system, so that the rights of crime victims stated in these Findings and Declarations and justice itself are not eroded by inadequate resources; and, above all, the right to an expeditious and just punishment of the criminal wrongdoer.

2. The People of the State of California declare that the "Victims' Bill of Rights Act of 2008: Marsy's Law" is needed to remedy a justice system that fails to fully recognize and adequately enforce the rights of victims of crime. It is named after Marsy, a 21-year-old college senior at U.C. Santa Barbara who was preparing to pursue a career in special education for handicapped children and had her whole life ahead of her. She was murdered on November 30, 1983. Marsy's Law is written on behalf of her mother, father, and brother, who were often treated as though they had no rights, and inspired by hundreds of thousands of victims of crime who have experienced the additional pain and frustration of a criminal justice system that too often fails to afford victims even the most basic of rights.

3. The People of the State of California find that the "broad reform" of the criminal justice system intended to grant these basic rights mandated in the Victims' Bill of Rights initiative measure passed by the electorate as Proposition 8 in 1982 has not occurred as envisioned by the people. Victims of crime continue to be denied rights to justice and due process.

4. An inefficient, overcrowded, and arcane criminal justice system has failed to build adequate jails and prisons, has failed to efficiently conduct court proceedings, and has failed to expeditiously finalize the sentences and punishments of criminal wrongdoers. Those criminal wrongdoers are being released from custody after serving as little as 10 percent of the sentences imposed and determined to be appropriate by judges.

5. Each year hundreds of convicted murderers sentenced to serve life in prison seek release on parole from our state prisons. California's "release from prison parole procedures" torture the families of murdered victims and waste



# QUICK-REFERENCE GUIDE

## PROP 1 HIGH SPEED RAIL BONDS. LEGISLATIVE INITIATIVE AMENDMENT.

### SUMMARY

*Put on the Ballot by the Legislature*

This act provides for the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. For the purpose of reducing traffic on the state's highways and roadways, upgrading commuter transportation, improving people's ability to get safely from city to city, alleviating congestion at airports, reducing air pollution, and providing for California's growing population, shall the state build a high-speed train system and improve existing passenger rail lines serving the state's major population centers by creating a rail trust fund that will issue bonds totaling \$9.95 billion, paid from existing state funds at an average cost of six hundred and forty-seven million dollars (\$647 million) per year over the 30-year life of the bonds, with all expenditures subject to an independent audit? Fiscal Impact: State cost of \$19.4 billion over 30 years to pay both principal and interest costs of the bonds. Payments would average about \$647 million per year. Unknown operation and maintenance costs, probably over \$1 billion annually; at least partially offset by passenger fares.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state could sell \$9.95 billion in general obligation bonds, to plan and to partially fund the construction of a high-speed rail system in California, and to make capital improvements to state and local rail services.

**NO** A NO vote on this measure means: The state could not sell \$9.95 billion in general obligation bonds for these purposes.

### ARGUMENTS

**PRO** California's transportation system is broken: skyrocketing gasoline prices, gridlocked freeways, and airports. High-speed trains are the new transportation option that reduces greenhouse gases that cause global warming and dependence on foreign oil. High-speed trains are cheaper than building new highways, airports, and runways to meet population growth without NEW TAXES.

**CON** This political boondoggle will cost taxpayers \$19,200,000,000 in principal and interest. We need that money for schools, healthcare, and public safety. The bureaucrats could waste billions of taxpayer dollars before we see one inch of track. During California's biggest budget crisis we can't afford to spend billions on a pipedream.

### FOR ADDITIONAL INFORMATION

**FOR**  
Robert Pence  
Californians For High Speed Trains  
– Yes on Proposition 1  
455 Capitol Mall, Suite 801  
Sacramento, CA 95814  
(916) 551-2513  
[www.californiahighspeedtrains.com](http://www.californiahighspeedtrains.com)

**AGAINST**  
Jon Coupal  
Howard Jarvis Taxpayers Association  
921 11th Street, Suite 1201  
Sacramento, CA 95814  
(916) 444-9950  
[info@hjta.org](mailto:info@hjta.org)  
[www.hjta.org](http://www.hjta.org)

## PROP 2 STANDARDS FOR CONFINING FARM ANIMALS. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Requires that certain farm animals be allowed, for the majority of every day, to fully extend their limbs or wings, lie down, stand up and turn around. Limited exceptions apply. Fiscal Impact: Potential unknown decrease in state and local tax revenues from farm businesses, possibly in the range of several million dollars annually. Potential minor local and state enforcement and prosecution costs, partly offset by increased fine revenue.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Beginning in 2015, state law would prohibit, with certain exceptions, the confinement on a farm of pregnant pigs, calves raised for veal, and egg-laying hens in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

**NO** A NO vote on this measure means: State law would not contain prohibitions specifically concerning the confinement of pregnant pigs, calves raised for veal, and egg-laying hens.

### ARGUMENTS

**PRO** YES on Prop. 2 protects animals, consumers, family farmers, and our environment. Animals deserve humane treatment. Denying them space to turn around or stretch their limbs is cruel and wrong. Supporters: Humane Society of the United States, California Veterinary Medical Association, Consumer Federation of America, Center for Food Safety.  
[www.YesOnProp2.org](http://www.YesOnProp2.org).

**CON** Proposition 2 is too RISKY. Californians enjoy safe, local, affordable eggs. A UC Davis study says Proposition 2 eliminates California egg production. Instead, our eggs will come from out-of-state and Mexico. Public health experts oppose Proposition 2 because it THREATENS increased human exposure to Salmonella and Bird Flu. Vote No.

### FOR ADDITIONAL INFORMATION

**FOR**  
Jennifer Fearing  
Yes on Prop. 2 – Californians for Humane Farms  
1700 L Street  
Sacramento, CA 95814  
(323) 896-1126  
[info@YesOnProp2.org](mailto:info@YesOnProp2.org)  
[www.YesOnProp2.org](http://www.YesOnProp2.org)

**AGAINST**  
Californians for SAFE Food  
P.O. Box 71541  
Los Angeles, CA 90071  
(213) 362-9539  
[www.safecaliforniafood.org](http://www.safecaliforniafood.org)

# QUICK-REFERENCE GUIDE

## PROP 3 CHILDREN'S HOSPITAL BOND ACT. GRANT PROGRAM. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Authorizes \$980,000,000 in general obligation bonds for construction, expansion, remodeling, renovation, furnishing and equipping of eligible children's hospitals. Fiscal Impact: State cost of about \$2 billion over 30 years to pay off both the principal (\$980 million) and interest (\$933 million) costs of the bonds. Payments of about \$64 million per year.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state could sell \$980 million in general obligation bonds for the construction, expansion, remodeling, renovation, furnishing, equipping, financing, or refinancing of children's hospitals.

**NO** A NO vote on this measure means: The state would not sell the \$980 million in general obligation bonds proposed for these purposes.

### ARGUMENTS

**PRO** Every day, California Children's Hospitals save lives. Children with leukemia, cancer, cystic fibrosis, heart disease, traumatic injury. 80% with leukemia are making it. 90% are coming through delicate heart surgery. Proposition 3 doesn't raise taxes. It gives the sickest kids in California the chance for a better life. Imagine that.

**CON** Diverts nearly \$2 Billion (principal & interest) of *your* tax dollars to medical special interests promoting this bond, while Millions from a similar 2004 Measure remain unspent. "It's for the Children" is their lure; but it's our children we're saddling with debt. More debt Californians can't afford. Vote No.

### FOR ADDITIONAL INFORMATION

**FOR**  
Charity Bracy  
California Children's Hospital  
Association  
1215 K Street, Suite 1930  
Sacramento, CA 95814  
(916) 552-7111  
cbracy@ccha.org  
www.imaginewithus.org

**AGAINST**  
National Tax Limitation Committee  
151 N. Sunrise Ave. #901  
Roseville, CA 95661  
(916) 786-9400  
NTLC@Surewest.net  
www.Limittaxes.org

## PROP 4 WAITING PERIOD AND PARENTAL NOTIFICATION BEFORE TERMINATION OF MINOR'S PREGNANCY. INITIATIVE CONSTITUTIONAL AMENDMENT.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Changes California Constitution, prohibiting abortion for unemancipated minor until 48 hours after physician notifies minor's parent, legal guardian, or, in limited cases, substitute adult relative. Provides an exception for medical emergency or parental waiver. Fiscal Impact: Potential unknown net state costs of several million dollars annually for health and social services programs, court administration, and state health agency administration combined.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The State Constitution would be changed to require that a physician notify, with certain exceptions, a parent or legal guardian of a pregnant minor at least 48 hours before performing an abortion.

**NO** A NO vote on this measure means: Minors would continue to receive abortion services to the same extent as adults. Physicians performing abortions for minors would not be subject to notification requirements.

### ARGUMENTS

**PRO** Doctors, nurses, teachers, and **LAW ENFORCEMENT** endorse Proposition 4—Sarah's Law. Notification laws in thirty other states are reducing teen pregnancy and sexually transmitted diseases and protecting young girls from being victimized by older men. **STOP SEXUAL PREDATORS.** Join California District Attorneys who say **VOTE YES** on Prop. 4.

**CON** Prop. 4 is dangerous. Mandatory reporting laws can't force scared, pregnant teenagers to talk to parents, but may force them into back alleys, or worse. Prop. 4 won't protect teens from predators. Prop. 4 won't work, fosters more lawsuits, and puts teens at risk. To protect teens, Vote NO. ([www.NoonProposition4.org](http://www.NoonProposition4.org))

### FOR ADDITIONAL INFORMATION

**FOR**  
Friends of Sarah  
YES on 4 / Child and Teen Safety  
and Stop Predator Act: Sarah's Law  
1703 India Street  
San Diego, CA 92101  
(866) 828-8355  
info@YESon4.net  
www.YESon4.net

**AGAINST**  
Campaign for Teen Safety  
555 Capitol Mall, Suite 510  
Sacramento, CA 95814  
(916) 804-4456  
[www.NoonProposition4.org](http://www.NoonProposition4.org)

# QUICK-REFERENCE GUIDE

## PROP 5 NONVIOLENT DRUG OFFENSES. SENTENCING, PAROLE AND REHABILITATION. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Allocates \$460,000,000 annually to improve and expand treatment programs. Limits court authority to incarcerate offenders who commit certain drug crimes, break drug treatment rules or violate parole. Fiscal Impact: Increased state costs potentially exceeding \$1 billion annually primarily for expansion of offender treatment programs. State savings potentially exceeding \$1 billion annually on corrections operations. Net one-time state prison capital outlay savings potentially exceeding \$2.5 billion.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Drug treatment diversion programs available primarily for persons charged or convicted for a nonviolent drug possession crime would be expanded. Some parole violators would be diverted from state prison and parole terms would be reduced for others. New rehabilitation programs would be expanded for offenders before and after they leave prison. Some inmates might receive additional credits to reduce the time they stay in state prison. Possession of less than 28.5 grams of marijuana would have a lesser penalty than under current law.

**NO** A NO vote on this measure means: State and local governments would determine whether to expand existing drug treatment diversion programs in the future. State correctional officials would continue to have the discretion to return various categories of parole violators to state prison, and parole terms would remain at three years for most parolees. The state would not be obligated to further expand rehabilitation programs for inmates, parolees, and other offenders. The current rules for awarding credits to inmates to reduce their time in prison would continue. The penalty for possession of less than 28.5 grams of marijuana would remain unchanged.

### ARGUMENTS

**PRO** Proposition 5 safely reduces prison overcrowding. For youth, it creates drug treatment programs. None now exist. For nonviolent offenders and parolees, it expands rehabilitation. Prop. 5 enlarges successful, voter-approved Proposition 36 (2000), providing treatment with close supervision and strict accountability for nonviolent drug offenders. Prop. 5 saves \$2.5 billion.

**CON** Shortens parole for methamphetamine dealers from 3 years—to 6 months. Loophole allows defendants accused of child abuse, domestic violence, vehicular manslaughter, and other crimes to effectively escape prosecution. Strongly opposed by Mothers Against Drunk Driving (MADD). Establishes new bureaucracies. Reduces accountability. Could dramatically increase local costs and taxes.

### FOR ADDITIONAL INFORMATION

**FOR**  
NORA Campaign – Yes on 5  
c/o Drug Policy Alliance Network  
3470 Wilshire Blvd. #618  
Los Angeles, CA 90010  
(213) 382-6400  
prop5@drugpolicy.org  
www.Prop5yes.com

**AGAINST**  
Tim Rosales  
People Against the Proposition 5  
Deception  
2150 River Plaza Drive #150  
Sacramento, CA 95833  
info@NoOnProposition5.com  
www.NoOnProposition5.com

## PROP 6 POLICE AND LAW ENFORCEMENT FUNDING. CRIMINAL PENALTIES AND LAWS. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Requires minimum of \$965,000,000 of state funding each year for police and local law enforcement. Makes approximately 30 revisions to California criminal law. Fiscal Impact: Increased net state costs exceeding \$500 million annually due to increasing spending on criminal justice programs to at least \$965 million and for corrections operating costs. Potential one-time state prison capital outlay costs exceeding \$500 million.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state would be required to increase spending for specified state and local criminal justice programs to at least \$965 million in 2009–10, an increase of \$365 million, growing in future years. Sentences also would be increased for certain crimes—such as crimes related to gangs, methamphetamine sales, and vehicle theft—resulting in more offenders being sent to state prison and for longer periods of time. The measure would make various other criminal justice changes related to such things as parole agent caseloads and use of hearsay evidence.

**NO** A NO vote on this measure means: The state Legislature and Governor would continue to have their current authority over the state funding levels provided for specified criminal justice programs. Criminal penalties would not be increased. Parole caseloads and use of hearsay evidence would remain unchanged.

### ARGUMENTS

**PRO** Every California Sheriff supports Proposition 6. YES on 6 is a comprehensive anti-gang and crime reduction measure that will bring more cops and increased safety to our streets. It returns taxpayers' money to local law enforcement without raising taxes and will increase efficiency and accountability for public safety programs.

**CON** Proposition 6 WILL take \$1,000,000,000 from schools, healthcare, fire protection, and proven public safety programs. Prop. 6 WON'T guarantee more police on the street and WON'T even fund proven gang prevention programs. Prop. 6 WILL spend more money on prisons and jails. Vote NO on Prop. 6!

### FOR ADDITIONAL INFORMATION

**FOR**  
Yes on Prop. 6 – Safe Neighborhoods  
Act  
925 University Ave.  
Sacramento, CA 95825  
(916) 214-5709  
info@safeneighborhoodsact.com  
www.safeneighborhoodsact.com

**AGAINST**  
Richard Rios  
No on Propositions 6 & 9  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814  
(916) 442-2952  
www.votenoprop6.com

# QUICK-REFERENCE GUIDE

## PROP 7 RENEWABLE ENERGY GENERATION. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Requires government-owned utilities to generate 20% of their electricity from renewable energy by 2010, a standard currently applicable to private electrical corporations. Raises requirement for all utilities to 40% by 2020 and 50% by 2025. Fiscal Impact: Increased state administrative costs up to \$3.4 million annually; paid by fees. Unknown impact on state and local government costs and revenues due to the measure's uncertain impact on retail electricity rates.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Electricity providers in California, including publicly owned utilities, would be required to increase their proportion of electricity generated from renewable resources, such as solar and wind power, beyond the current requirement of 20 percent by 2010, to 40 percent by 2020 and 50 percent by 2025, or face specified penalties. The requirement for privately owned electricity providers to acquire renewable electricity would be limited by a cost cap requiring such acquisitions only when the cost is no more than 10 percent above a specified market price for electricity. Electricity providers who fail to meet the renewable resources requirements would potentially be subject to a 1 cent per kilowatt hour penalty rate set in statute, without a cap on the total annual penalty amount. The required time frames for approving new renewable electricity plants would be shortened.

**NO** A NO vote on this measure means: Electricity providers in California, except publicly owned ones, would continue to be required to increase their proportion of electricity generated from renewable resources to 20 percent by 2010. The current requirements on privately owned utilities to purchase renewable electricity would continue to be limited by an annual cost cap on the total amount of such purchases. Electricity providers would continue to be subject to the existing penalty process, in which the penalty rate (currently 5 cents per kilowatt-hour) and a total annual penalty cap (currently \$25 million per provider) are set administratively. The required time frames for approving new renewable electricity plants would not be shortened.

### ARGUMENTS

**PRO** Vote Yes on 7 to require all utilities to provide 50% renewable electricity by 2025. Support solar, wind, and geothermal power to combat rising energy costs and global warming. Proposition 7 protects consumers, and favors solar and clean energy over expensive fossil fuels and dangerous offshore drilling.

**CON** Prop. 7: opposed by leading environmental groups, renewable power providers, taxpayers, business, and labor. 7 is poorly drafted, results in *less* renewable power, *higher* electric rates, and potentially another energy crisis. 7 forces small renewable companies out of California's market. Power providers could always charge 10% above market rates.  
[www.NoProp7.com](http://www.NoProp7.com)

### FOR ADDITIONAL INFORMATION

**FOR**  
Jim Gonzalez  
Californians for Solar and Clean Energy  
1830 N Street  
Sacramento, CA 95811  
(916) 444-2425 / 449-6190  
[jim@jimgonzalez.com](mailto:jim@jimgonzalez.com)  
[www.Yeson7.net](http://www.Yeson7.net)

**AGAINST**  
Californians Against Another Costly Energy Scheme  
(866) 811-9255  
[www.NoProp7.com](http://www.NoProp7.com)

## PROP 8 ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Changes California Constitution to eliminate the right of same-sex couples to marry. Provides that only marriage between a man and a woman is valid or recognized in California. Fiscal Impact: Over next few years, potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, likely little fiscal impact on state and local governments.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The California Constitution will specify that only marriage between a man and a woman is valid or recognized in California.

**NO** A NO vote on this measure means: Marriage between individuals of the same sex would continue to be valid or recognized in California.

### ARGUMENTS

**PRO** Proposition 8 restores what 61% of voters already approved: marriage is only between a man and a woman. Four judges in San Francisco should not have overturned the people's vote. Prop. 8 fixes that mistake by reaffirming traditional marriage, but doesn't take away any rights or benefits from gay domestic partners.

**CON** Equality under the law is a fundamental freedom. Regardless of how we feel about marriage, singling people out to be treated differently is wrong. Prop. 8 won't affect our schools, but it will mean loving couples are treated differently under our Constitution and denied equal protection under the law. [www.NoonProp8.com](http://www.NoonProp8.com)

### FOR ADDITIONAL INFORMATION

**FOR**  
ProtectMarriage.com – Yes on Proposition 8  
915 L Street #C-259  
Sacramento, CA 95814  
(916) 446-2956  
[www.protectmarriage.com](http://www.protectmarriage.com)

**AGAINST**  
Equality for ALL  
NO on Proposition 8  
921 11th Street, 10th Floor  
Sacramento, CA 95814  
(916) 717-1411  
[www.NoonProp8.com](http://www.NoonProp8.com)

# QUICK-REFERENCE GUIDE

**PROP 9** CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

**SUMMARY** Put on the Ballot by Petition Signatures

Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole. Establishes victim safety as consideration for bail or parole. Fiscal Impact: Potential loss of state savings on prison operations and increased county jail costs amounting to hundreds of millions of dollars annually. Potential net savings in the low tens of millions of dollars annually on parole procedures.

## WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Crime victims would have additional constitutionally guaranteed rights, such as the right to participate in any public criminal proceedings. Payments of restitution to crime victims would be required without exception, and any funds collected from offenders ordered to pay restitution would go to pay that obligation before any other. Inmates with life sentences who were denied parole would generally have to wait longer before being considered again for release. Some parolees facing revocation and return to prison may no longer be represented by legal counsel. Early release of inmates to reduce prison or jail overcrowding would be restricted in certain circumstances.

**NO** A NO vote on this measure means: Victims will continue to have the statutory right to be notified of certain criminal justice proceedings, such as sentencing and parole proceedings. Whether victim restitution would be ordered would remain subject to a judge's discretion, and the manner in which money collected from defendants is distributed would remain unchanged. Current waiting periods for parole revocation hearings and parole consideration would remain unchanged. All parolees would continue to be entitled to receive legal representation at parole hearings. State and local governments could take steps to release inmates early to reduce jail and prison overcrowding.

## ARGUMENTS

**PRO** California's constitution gives convicted criminals generous rights. Crime victims don't have similar protections. Prop. 9 improves public safety and justice, giving victims enforceable constitutional rights. It saves taxpayers millions and prevents politicians from releasing criminals just to ease overcrowding. It's endorsed by victims, law enforcement, Republicans, and Democrats. Vote YES.

**CON** Prop. 9 asks voters to support victims' rights already protected under state law. The hundreds of millions it drains from state and local government doesn't go to crime victims, it goes toward building more prisons! It places complex, duplicative laws into the Constitution, making modernization nearly impossible. Vote No.

## FOR ADDITIONAL INFORMATION

**FOR**  
Randle Communications  
925 L Street, Suite 1275  
Sacramento, CA 95814  
(916) 448-5802  
Yesonprop9@gmail.com

**AGAINST**  
Richard Rios  
No on Propositions 6 & 9  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814  
(916) 442-2952  
www.votenoprop9.com

**PROP 10** ALTERNATIVE FUEL VEHICLES AND RENEWABLE ENERGY. BONDS. INITIATIVE STATUTE.

**SUMMARY** Put on the Ballot by Petition Signatures

Authorizes \$5 billion in bonds paid from state's General Fund, to help consumers and others purchase certain vehicles, and to fund research in renewable energy and alternative fuel vehicles. Fiscal Impact: State cost of about \$10 billion over 30 years to repay bonds. Increased state and local revenues, potentially totaling several tens of millions of dollars through 2019. Potential state administrative costs up to about \$10 million annually.

## WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state could sell \$5 billion in general obligation bonds for various renewable energy, alternative fuel, energy efficiency, and air emissions reduction purposes.

**NO** A NO vote on this measure means: The state would not sell \$5 billion in general obligation bonds for these purposes.

## ARGUMENTS

**PRO** YES ON 10: ENERGY INDEPENDENCE AND CLEAN AIR. PRODUCES more electricity from renewable sources, including solar and wind. GIVES Californians rebates to purchase clean alternative fuel vehicles. GETS polluting diesels off roads. INCREASES grants to California universities to develop cheaper alternatives to gasoline. REQUIRES strict accountability/audits. No new taxes.

**CON** Proposition 10 is special interest legislation which gives away \$10 billion in taxpayer dollars to primarily benefit one company with little accountability and NO guarantees of environmental benefit. Don't hurt our schools and services in a time of budget crisis. Vote NO on Prop. 10!

## FOR ADDITIONAL INFORMATION

**FOR**  
Californians for Energy  
Independence – Yes on Prop. 10  
1415 L Street, Suite 430  
Sacramento, CA 95814  
info@prop10yes.com  
www.prop10yes.com

**AGAINST**  
Consumer Federation of California  
520 S. El Camino Real, Suite 340  
San Mateo, CA 94402  
(650) 375-7840  
www.votenooprop10.com

# QUICK-REFERENCE GUIDE

## PROP 11 REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

### SUMMARY

Put on the Ballot by Petition Signatures

Changes authority for establishing state office boundaries from elected representatives to commission. Establishes multilevel process to select commissioners from registered voter pool. Commission comprised of Democrats, Republicans, and representatives of neither party. Fiscal Impact: Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Boundaries for State Senate, Assembly, and Board of Equalization districts would be drawn by a new commission made up of California registered voters. Boundaries for U.S. House of Representatives districts would continue to be drawn by the Legislature.

**NO** A NO vote on this measure means: Boundaries for State Senate, Assembly, Board of Equalization, and U.S. House of Representatives districts would continue to be drawn by the Legislature.

### ARGUMENTS

**PRO** YES on 11 ends the conflict of interest of politicians drawing their own election districts. 11 means *fair districts drawn by a citizens commission following clear rules and open to the public*. It holds *politicians accountable for solving problems like gas prices, healthcare, and education*. Yes on 11—CHANGE Sacramento.

**CON** Politicians paid millions to put Prop. 11 on the ballot to change the Constitution, create a costly new bureaucracy, and give the power of drawing districts to people who are *never elected and never accountable to voters*. Read it yourself. Preserve the power of your vote! Vote No!

### FOR ADDITIONAL INFORMATION

**FOR**  
Yes on Prop. 11  
(916) 325-0056  
info@yesprop11.org  
www.yesprop11.org

**AGAINST**  
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Citizens for Accountability. No on Prop. 11  
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## PROP 12 VETERANS' BOND ACT OF 2008.

### SUMMARY

Put on the Ballot by the Legislature

This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans. Fiscal Impact: Costs of about \$1.8 billion to pay off both the principal (\$900 million) and interest (\$856 million) on the bonds; costs paid by participating veterans. Average payment for principal and interest of about \$59 million per year for 30 years.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state would be able to issue \$900 million in general obligation bonds to provide loans for the veterans' farm and home purchase (Cal-Vet) program.

**NO** A NO vote on this measure means: The state would not be able to issue these bonds for this purpose.

### ARGUMENTS

**PRO** The time-honored Cal-Vet Home Loan Program helps veterans to purchase homes in California at no expense to taxpayers. Voter approved bonds finance the Program and are repaid, along with all program costs, by the loan holders. This measure would replenish the program's funding. We urge your support.

**CON** Proposition 12 would authorize the sale of another \$900 million in bonds to provide low-interest home (and farm) loans to "veterans." Voters may wish to end the program or insist that it be limited to the most needy and deserving veterans—such as those injured in combat.

### FOR ADDITIONAL INFORMATION

**FOR**  
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**AGAINST**  
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